

UNITED STATES BANKRUPTCY COURT
EASTERN DISTRICT OF NORTH CAROLINA
WILSON DIVISION

IN THE MATTER OF:

New Bern Riverfront Development, LLC

Debtor

Case No. 09-10340-8-JRL
Chapter 11

Motion To Extend Deadlines To Vote Or File Objections And Reschedule Hearing

New Bern Riverfront Development, LLC (the “Debtor”) moves the Court to (i) extend the deadlines to vote to accept or reject the Debtor’s proposed plan, and to file any objection to the disclosure statement or the proposed plan, and (ii) continue the hearing on final approval of the disclosure statement and confirmation of the Debtor’s proposed plan, as follows:

1 On November 30, 2009 (the “Petition Date”), the Debtor filed a voluntary petition seeking relief under Chapter 11 of the Bankruptcy Code, and operates as a debtor-in-possession.

2 This Court has jurisdiction over this matter pursuant to 28 U.S.C. §§157 and 1334, and this matter is a core proceeding under 28 U.S.C. §157(b)(2). Venue is proper pursuant to 28 U.S.C. §§1408 and 1409.

3 On January 3, 2011, the Debtor filed a disclosure statement and plan of reorganization dated December 31, 2010. The Court issued an order on January 4, 2011, setting February 22, 2011 as the deadline to file objections to the adequacy of the disclosure statement, objections to the proposed plan of reorganization, and written acceptances or rejections of the proposed plan.

4 In the same order, the Court set March 1, 2011 for the hearing to consider final approval of the disclosure statement and to consider confirmation of the proposed plan.

5 The Debtor has negotiated a consensual plan of reorganization with its secured creditor, Wells Fargo Bank, N.A., subject to certain plan modifications which do not materially impact other creditors. Other plan modifications are or may be needed in order to address certain concerns raised by the City of New Bern, which are the subject of current discussions.

6 The Debtor believes these remaining issues can be resolved and an amended plan filed within the next thirty days, and an extension of the deadlines and continuance of the confirmation hearing to accommodate the negotiations would be in the best interest of the estate.

Wherefore, the Debtor prays the Court for the following:

1. Extend the deadline to file objections to the adequacy of the disclosure statement, objections to the proposed plan of reorganization, and written acceptances or rejections of the proposed plan to March 24, 2011.
2. Continue the hearing to consider final approval of the disclosure statement and to consider confirmation of the proposed plan to a date acceptable to the Court on or after April 4, 2011.

Respectfully submitted on behalf of the Debtor, this the 21st day of February, 2011.

/s/ John A. Northen

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UNITED STATES BANKRUPTCY COURT
EASTERN DISTRICT OF NORTH CAROLINA
WILSON DIVISION

IN THE MATTER OF:

New Bern Riverfront Development, LLC,

Debtor

**Case No. 09-10340-8-JRL
Chapter 11**

Notice of Motion

The Debtor filed a motion with the Court asking the Court (i) to extend the deadline to file objections to the adequacy of the disclosure statement, objections to the proposed plan of reorganization, and written acceptances or rejections of the proposed plan to March 24, 2011, and (ii) to continue the hearing on final approval of the disclosure statement and on confirmation of the proposed plan to a date acceptable to the Court on or after April 4, 2011.

Respectfully submitted on behalf of the Debtor, this the 21st day of February, 2011.
/s/ John A. Northen

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EASTERN DISTRICT OF NORTH CAROLINA
WILSON DIVISION**

IN THE MATTER OF:

**New Bern River Development, LLC
Debtor**

Case No. 09-10340-8-JRL

Chapter 11

Certificate of Service

I hereby certify that I have this day served a copy of the foregoing document by

1) automatic electronic service:

Marjorie K. Lynch Brian Behr Bankruptcy Administrator Office 434 Fayetteville Street Mall, Suite 620 Raleigh, NC 27601	Brian D. Darer Parker Poe Obo Wachovia P O Box 389 Raleigh, NC 27602-0389
Gerald A. Jeutter, Jr. Obo Weaver Cooke Construction, LLC jeb@jeutterlaw.com	David J. Haidt Obo Daryl Burgess davidhaidt@embarq.com
Patsy A. Cook William M. Black, Jr., Attorneys Obo National Erectors Rebar, Inc. PO Box 19866 Raleigh, NC 27619	Paul E. Davis C. Hamilton Jarrett Conner Gwyn Schenck, PLLC Obo Travelers Casualty & Surety pdavis@cgspllc.com
Ernest C. Richardson, IV Ernest C. Richardson, III Richardson & Richardson Obo Buivid, Cherry, Campbell, Duckett, Naugler, Letts, Spratt, et al P O Box 1594 New Bern, NC 28563	Joel R. Rhine Katherine C. Wagner Lea Rhine & Rosbrugh, PLLC Obo Christopher & Hillary Boyce 314 Walnut Street Wilmington, NC 28401
Michael Scott Davis Davis Hartman Wright, PLLC Obo City of New Bern msd@dhwlegal.com	Gregory W. Brown Obo JDA Architects gregory@brownlawllp.com

2. and by depositing a copy of the **Notice of Motion** in an envelope bearing sufficient postage in the United States mail at Chapel Hill, North Carolina. addressed to the following parties at their last known address:

Internal Revenue Service Centralized Insolvency Operations P O Box 21126 Philadelphia, PA 19114-0326	North Carolina Department of Revenue Bankruptcy Unit P O Box 1168 Raleigh, NC 27602-1168

This the 21st day of February, 2011.

/s/ John A. Northen

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**UNITED STATES BANKRUPTCY COURT
EASTERN DISTRICT OF NORTH CAROLINA
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Internal Revenue Service Centralized Insolvency Operations P O Box 21126 Philadelphia, PA 19114-0326	North Carolina Department of Revenue Bankruptcy Unit P O Box 1168 Raleigh, NC 27602-1168
Cebridge Acquisitions LP dba SuddenLink PO Box 742507 Cincinnati, OH 45274	URS Corp. Attn: Managing Agent 1000 NE Abernathy Road Suite 900 Atlanta, GA 30328
Craven County Attn: Managing Agent 226 Pollock Street New Bern, NC 28560	Hatchett Hospitality Attn: Managing Agent 122 East Taylor Street Griffin, GA 30224
Howard, Perry & Walston Attn: Managing Agent 1001 Wade Ave Suite 102 Raleigh, NC 27605	McKim & Creed Attn: Managing Agent PO Box 890369 Charlotte, NC 28289-0369
Philadelphia Insurance Attn: Managing Agent PO Box 70251 Philadelphia, PA 19176	The Insurance Center Attn: Managing Agent 1320 Commerce Drive New Bern, NC 28562
RyPark Advertising Attn: Managing Agent 3211 Rogers Road Suite 208 Wake Forest, NC 27587	Siemens Building Technologies, Inc. Attn: Managing Agent 198 Metro Drive, Spartanburg, SC 29303
T & S Property Management, LLC dba CAMS Attn: Managing Agent 1630 Military Cutoff Rd # 108 Wilmington, NC 28403	See any additional parties on attached list

This the 21st day of February, 2011.

/s/ John A. Northen

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